

Message Text

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ACTION EUR-12

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E.O. 11652: N/A
TAGS: EEC, ETRD
SUBJ: EC PRODUCT LIABILITY DIRECTIVE: UPDATE

REF: 77 BRUSSELS 7443

1. THE EC COMMISSION'S DRAFT DIRECTIVE ON PRODUCT LIABILITY, SUBMITTED TO THE EC COUNCIL ON SEPTEMBER 9, 1976, CONTINUES TO MEET WITH STRONG INDUSTRY OPPOSITION. UNICE (UNION OF INDUSTRIES OF THE EUROPEAN COMMUNITIES) SPONSORED A CONFERENCE APRIL 13 BETWEEN REPRESENTATIVES OF INDUSTRY AND EC COMMISSION OFFICIALS. THIS EXCHANGE OF VIEWS FOCUSED ON THE FOLLOWING FIVE POINTS WHICH REPRESENT THE GREATEST SOURCE OF INDUSTRY CONCERN: LIABILITY FOR DEVELOPMENT RISK; PROBLEMS CONNECTED WITH THE CONCEPT OF DEFECTIVE PRODUCTS; SHARING THE ONUS OF PROOF; CONTRIBUTORY NEGLIGENCE BY THE INJURED PARTY AND THE QUESTION OF MAXIMUM LIABILITY.

2. THE ORGANIZER OF THE UNICE CONFERENCE BELIEVES THAT THE COMMISSION WILL EVENTUALLY AMEND THE PROPOSAL TO REFLECT SOME OF INDUSTRY'S CONCERNS ABOUT CONTRIBUTORY
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NEGLIGENCE AND DEVELOPMENT RISKS. IN ITS PRESENT FORM THE DIRECTIVE IS TOTALLY UNACCEPTABLE TO INDUSTRY AND HAS BEEN MADE A PRIORITY ISSUE BY UNICE.

3. WHILE THE DRAFT DIRECTIVE HAS RECEIVED STRONG SUPPORT FROM EUROPEAN CONSUMER GROUPS, IT HAS ALSO RUN INTO PROBLEMS IN THE EC'S ECONOMIC AND SOCIAL COMMITTEE.

FOLLOWING A LONG AND SOMETIMES HEATED DEBATE IN THE COMMITTEE'S MARCH PLENARY SESSION, THE COMMITTEE WAS UNABLE TO ADOPT THE REPORT OF THE SPECIALIZED INDUSTRY SECTION. CONTRIBUTORY NEGLIGENCE, DEVELOPMENT RISK AND MAXIMUM LIABILITY WERE THE MAIN POINTS OF CONTENTION. THE COMMITTEE REFERRED THE QUESTION BACK TO THE INDUSTRY SECTION TO CLARIFY THE ISSUES AND CONSIDER NEW AMENDMENTS.

4. COMMISSION OFFICIALS ARE RATHER OPTIMISTIC THAT THE DIRECTIVE WILL BE APPROVED IN A SOMEWHAT MODIFIED VERSION IN 1979. ANY CHANGES PROPOSED BY THE ECONOMIC AND SOCIAL COMMITTEE AND THE EUROPEAN PARLIAMENT WILL BE CONSIDERED, BUT THE COMMISSION'S INTENTION REMAINS THE INSTITUTION OF A STRICT SYSTEM OF MANUFACTURER'S LIABILITY TO PROVIDE MAXIMUM PROTECTION FOR THE CONSUMER. EC OFFICIALS BELIEVE THAT THE CONTINUED CONCERTED EFFORTS OF EUROPEAN CONSUMER GROUPS AND NATIONAL CONSUMER GROUPS WILL BE REFLECTED IN THE COUNCIL'S DECISION. HINTON

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